

AMENDED IN SENATE AUGUST 16, 2006

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 21, 2006

AMENDED IN SENATE MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 24, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

## ASSEMBLY BILL

**No. 2701**

**Introduced by Assembly Member Blakeslee**  
*(Principal coauthor: Senator Maldonado)*

February 24, 2006

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An act to amend Section 61105 of, and to add Section 25825.5 to, the Government Code, and to amend Sections 1, 2, 5, 7, 8, 13, 28, 36.8, and 36.16 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), relating to San Luis Obispo County, ~~and declaring the urgency thereof, to take effect immediately.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 2701, as amended, Blakeslee. San Luis Obispo County.

(1) Existing law authorizes the establishment of community services districts for the provision of various services to the geographic area within a district, *including the collection, treatment, or disposal of sewage, wastewater, recycled water, and stormwater.* Existing law ~~authorizes a community services district's board of directors to form one or more zones within the district if it determines that it is in the public interest to provide different services, different~~

~~levels of service, different facilities, or to raise additional revenues within specific areas of the district.~~

This bill would authorize the County of San Luis Obispo to undertake any efforts necessary to construct and operate a wastewater collection and treatment system to meet the needs of the ~~district~~ *Los Osos Community Services District*, as specified, and to impose and collect user fees and *other* charges to cover the reasonable costs of any wastewater collection or treatment services provided pursuant to these provisions.

The bill would also require the Board of Supervisors of San Luis Obispo County to prepare and submit a proposed assessment to pay for the facilities, and, if certain requirements are met, to decide whether to proceed with construction of the project. The district would retain the powers to provide all other services to ~~that a designated~~ zone. After a minimum of 3 years and when the district and the county mutually apply for, and are granted, a modification to the waste discharge permit issued by the Regional Water Quality Control Board, responsibilities ~~shall~~ *would* be transferred back to the district.

~~By requiring San Luis Obispo County to perform these additional duties and provide these additional services, this bill would impose a state-mandated local program.~~

(2) Existing law, the San Luis Obispo County Flood Control and Water Conservation District Act, creates the San Luis Obispo County Flood Control and Water Conservation District and grants to that district specified powers and responsibilities.

This bill would change the name of that law to the San Luis Obispo County Flood Control and Integrated Water Management District Act and the name of the district to the San Luis Obispo County Flood Control and Integrated Water Management District. The bill would authorize the district to implement integrated regional water management programs and projects, including groundwater banking of water supplies made available from the State Water Project, water reliability programs benefitting State Water Project supplies for users in the Counties of San Luis Obispo and Santa Barbara, and other projects and programs that promote specified objectives of the district's integrated regional water management plan. The bill would make conforming changes and certain technical, nonsubstantive corrections to that law.

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.~~

~~Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

~~(4) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote:  $\frac{2}{3}$ -majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes-no~~.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25825.5 is added to the Government  
2 Code, to read:

3 25825.5. (a) The Legislature finds and declares all of the  
4 following:

5 ~~(1) There are long-standing violations of state and federal~~  
6 ~~clean water laws within the prohibition zone of the Los Osos~~  
7 ~~Community Services District.~~

8 *(1) There are ongoing discharges to the Los Osos Discharge*  
9 *Prohibition Zone established in the Water Quality Control Plan*  
10 *for the Central Coast Basin.*

11 (2) The agency responsible for eliminating these ~~violations~~  
12 *discharges* is the Los Osos Community Services District, which  
13 is a relatively new agency, formed in 1998.

14 (3) The Central Coast Regional Water Quality Control Board  
15 has imposed substantial fines on the Los Osos Community  
16 Services District for failing to make adequate progress toward  
17 eliminating these ~~violations~~ *discharges*.

18 (4) The Los Osos Community Services District has a relatively  
19 small staff that has no experience of successfully designing and  
20 constructing facilities of the size and type needed to eliminate  
21 these ~~violations~~ *discharges*.

22 (5) The County of San Luis Obispo has a larger staff that has  
23 experience in successfully designing large public works projects.

24 (6) There is an urgent need to protect the public health and  
25 safety by eliminating these ~~violations~~ *discharges* and the most  
26 feasible alternative is best accomplished by a temporary  
27 realignment of certain wastewater collection and treatment  
28 powers between the Los Osos Community Services District and  
29 the County of San Luis Obispo.

(7) It is the intent of the Legislature in enacting this section and amending Section 61105 to authorize the County of San Luis Obispo to design, construct, and operate a wastewater collection and treatment project that will eliminate these ~~violations~~ *discharges*, particularly in the prohibition zone, to avoid a wasteful duplication of effort and funds, and to temporarily prohibit the Los Osos Community Services District from exercising those powers.

(b) As used in this section, the following definitions apply:

(1) “Board” means the Board of Supervisors of the County of San Luis Obispo.

(2) “County” means the County of San Luis Obispo.

(3) “District” means the Los Osos Community Services District, formed pursuant to the Community Services District Law, Division 3 (commencing with Section 61000) of Title 3, located in San Luis Obispo County.

(4) “Prohibition zone” means that territory within the Baywood Park-Los Osos area of the county that is subject to the wastewater discharge prohibition imposed by the Central Coast Regional Water Quality Control Board pursuant to Resolution 83-13.

(c) The county may undertake any efforts necessary to construct and operate a community wastewater collection and treatment system to meet the wastewater collection and treatment needs within the district. These efforts may include programs and projects for recharging aquifers, preventing saltwater intrusion, and managing groundwater resources to the extent that they are related to the construction and operation of the community wastewater collection and treatment system. These efforts shall include any services that the county deems necessary, including, but not be limited to, any planning, design, engineering, financial analysis, *pursuit of grants to mitigate affordability issues*, administrative support, project management, and environmental review and compliance services. The county shall not exercise any powers authorized by this section outside the ~~district~~ *district*.

(d) Nothing in this section shall affect the district’s power to do any of the following:

1 (1) Operate wastewater collection and treatment facilities  
2 within the district that the district was operating on January 1,  
3 2006.

4 (2) Provide facilities and services, other than wastewater  
5 collection and treatment.

6 (e) To finance the construction and operation of a wastewater  
7 collection and treatment system, the county may levy benefit  
8 assessments consistent with the requirements of Article XIII D of  
9 the California Constitution, pursuant to any of the following:

10 (1) The Improvement Act of 1911, ~~Division~~ (*Division 7*  
11 (commencing with Section 5000) of the Streets and Highways  
12 ~~Code Code~~).

13 (2) The Improvement Bond Act of 1915, ~~Division~~ (*Division 10*  
14 (commencing with Section 8500) of the Streets and Highways  
15 ~~Code Code~~).

16 (3) The Municipal Improvement Act of 1913 (*Division 12*  
17 (commencing with Section 10000) of the Streets and Highways  
18 ~~Code Code~~).

19 ~~(4) The Landscaping and Lighting Assessment Act of 1972,~~  
20 ~~Part 2 (commencing with Section 22500) of Division 15 of the~~  
21 ~~Streets and Highways Code.~~

22 (f) The county may charge standby charges for sewer services,  
23 *consistent with the requirements of Article XIII D of the*  
24 *California Constitution*, pursuant to the Uniform Standby Charge  
25 Procedures Act (Chapter 12.4 (commencing with Section 54984)  
26 of Part 1 of Division 2 of Title 5).

27 (g) The county may impose and collect user fees and charges  
28 and any other sources of revenue permitted by law sufficient to  
29 cover the reasonable costs of any wastewater collection or  
30 treatment services provided pursuant to this section.

31 (h) Promptly upon the adoption of a resolution by the board  
32 requesting this action, the board of directors of the district shall  
33 convey to the county ~~all retained fee interests in any real~~  
34 ~~property, rights-of-way, licenses, other interests in real property,~~  
35 ~~funds, and other personal property~~ *any requested retained*  
36 *rights-of-way, licenses, funds, and permits* previously acquired by  
37 the district in connection with construction projects for which the  
38 district awarded contracts in 2005. The county shall use those fee  
39 interests, rights-of-way, licenses, ~~other interests in real property,~~  
40 ~~funds, and other personal property~~ *and funds* for the purpose of

1 furthering the construction and operation of a wastewater  
2 collection and treatment system pursuant to this section.

3 (i) After the approval of a benefit assessment, the board shall  
4 ~~conduct complete~~ a due diligence review before deciding to  
5 proceed with the construction and operation of a wastewater  
6 collection and treatment system. The board shall consider any  
7 relevant factors, including, but not limited to, the prompt  
8 availability of reasonable and sufficient financing, the ~~selection~~  
9 ~~of a final location for the wastewater collection and treatment~~  
10 ~~system, completion of a final project design, the willingness of~~  
11 ~~enforcement agencies to hold prior enforcement actions in~~  
12 ~~abeyance while the county constructs and operates the~~  
13 ~~wastewater collection and treatment system~~ *status of enforcement*  
14 *actions, the successful development of reasonable project*  
15 *technology and location options*, the availability of any necessary  
16 permits and other approvals, and the absence of other significant  
17 impediments. At the completion of this due diligence review, the  
18 board shall adopt a resolution declaring its intention to proceed  
19 or not proceed with the construction and operation of the  
20 wastewater collection and treatment system.

21 (j) *Collection of assessments may not commence until the*  
22 *adoption of the resolution to proceed pursuant to subdivision (i).*

23 ~~(j)~~

24 (k) The county shall have no power or responsibility to  
25 construct and operate a wastewater collection and treatment  
26 system pursuant to this section and the district shall resume that  
27 power and responsibility when any of the following occurs:

28 (1) *If the board adopts a resolution not to hold a benefit*  
29 *assessment election pursuant to subdivision (e).*

30 ~~(1)~~

31 (2) If there is a majority protest to a benefit assessment  
32 proposed by the county, on the date of the resolution adopted by  
33 the board determining that the majority protest exists.

34 ~~(2)~~

35 (3) If there is not a majority protest, but the board adopts a  
36 resolution, pursuant to subdivision (i), which declares that the  
37 county will no longer exercise its powers pursuant to this section,  
38 on the date specified in the board's resolution.

39 ~~(3)~~

1 (4) If the county constructs and operates a wastewater  
2 collection and treatment system pursuant to this section, not less  
3 than three years after the operation of the system commences, the  
4 board and the board of directors of the district shall mutually  
5 apply to the Central Coast Regional Water Quality Control Board  
6 for a modification of the waste discharge permit, requesting  
7 permission to transfer of the responsibility to operate the  
8 wastewater collection and treatment system from the county to  
9 the district. Consistent with that modification, the board shall  
10 adopt a resolution that specifies the date on which the county will  
11 no longer exercise its powers pursuant to this section.

12 ~~(k)~~

13 (l) When the power and responsibility to construct and operate  
14 a wastewater collection and treatment system transfers from the  
15 county to the district pursuant to subdivision ~~(j)~~ (k), the county  
16 shall do all of the following:

17 (1) Promptly convey to the district any remaining retained fee  
18 interests in any real property, rights-of-way, licenses, other  
19 interests in real property, funds, and other personal property that  
20 the county previously acquired pursuant to subdivision (h).

21 (2) Promptly convey to the district the wastewater collection  
22 and treatment system that the county constructed pursuant to this  
23 section.

24 (3) Continue to collect any necessary assessments and use  
25 them to repay any indebtedness incurred by the county to finance  
26 the construction of the wastewater collection and treatment  
27 system pursuant to this section.

28 (4) *The county shall cease collecting any benefit assessments*  
29 *after repayment of any indebtedness incurred by the county to*  
30 *finance the construction of the wastewater collection and*  
31 *treatment system.*

32 ~~(t)~~

33 (m) Nothing in this section shall be construed as imposing  
34 upon the county any liability for any district decisions or actions,  
35 or failures to act, or imposing upon the county any liability for  
36 any decisions or actions, or failures to act, by any district  
37 officers, employees, or agents. In addition, nothing in this section  
38 shall be construed as imposing upon the county any liability for  
39 any prior or subsequent district liabilities, whether liquidated or  
40 contingent, or any prior or subsequent liabilities of district

1 officers, employees, or agents, whether liquidated or contingent.  
2 ~~The county shall be immune from suit for discretionary decisions~~  
3 ~~entrusted to the board by this section and for performance of the~~  
4 ~~duties imposed on the county by this section, except for the~~  
5 ~~following:~~

6 ~~(1) Intentional or willful misconduct that is inconsistent with~~  
7 ~~this section.~~

8 ~~(2) Default on loans or other associated contractual~~  
9 ~~obligations.~~

10 ~~(3) Failure to comply with any requirement of Division 7~~  
11 ~~(commencing with Section 13000) of the Water Code.~~

12 SEC. 2. Section 61105 of the Government Code is amended  
13 to read:

14 61105. (a) The Legislature finds and declares that the unique  
15 circumstances that exist in certain communities justify the  
16 enactment of special statutes for specific districts. In enacting  
17 this section, the Legislature intends to provide specific districts  
18 with special statutory powers to provide special services and  
19 facilities that are not available to other districts.

20 (b) (1) The Los Osos Community Services District may  
21 borrow money from public or private lenders and loan those  
22 funds to property owners within the district to pay for the costs of  
23 decommissioning septic systems and constructing lateral  
24 connections on private property to facilitate the connection of  
25 those properties to the district's wastewater treatment system.  
26 The district shall lend money for this purpose at rates not to  
27 exceed its cost of borrowing and the district's cost of making the  
28 loans. The district may require that the borrower pay the district's  
29 reasonable attorney's fees and administrative costs in the event  
30 that the district is required to take legal action to enforce the  
31 provisions of the contract or note securing the loan. The district  
32 may elect to have the debt payments or any delinquency  
33 collected on the tax roll pursuant to Section 61116. To secure the  
34 loan as a lien on real property, the district shall follow the  
35 procedures for the creation of special tax liens in Section 53328.3  
36 of this code and Section 3114.5 of the Streets and Highways  
37 Code.

38 (2) (A) Except as otherwise provided in this paragraph, on  
39 and after January 1, 2007, the Los Osos Community Services  
40 District shall not undertake any efforts to design, construct, and



1 operate a community wastewater collection and treatment system  
2 within, or for the benefit of, the ~~prohibition zone defined in~~  
3 ~~Section 25825.5~~ district. The district shall resume those powers  
4 on the date specified in any resolution adopted pursuant to  
5 subdivision (j) of Section 25825.5.

6 (B) Nothing in this paragraph shall affect the district's power  
7 to do any of the following:

8 ~~(1)~~

9 (i) Operate wastewater collection and treatment facilities  
10 within the district that the district was operating on January 1,  
11 2006.

12 ~~(2)~~

13 (ii) Provide facilities and services in the territory that is within  
14 the district, but outside the prohibition zone.

15 ~~(3)~~

16 (iii) Provide facilities and services, other than wastewater  
17 collection and treatment, within the prohibition zone.

18 (C) Promptly upon the adoption of a resolution by the Board  
19 of Supervisors of the County of San Luis Obispo requesting this  
20 action pursuant to subdivision (h) of Section 25825.5, the district  
21 shall convey to the County of San Luis Obispo all retained-fee  
22 ~~interests in any real property~~, rights-of-way, licenses, other  
23 interests in real property, funds, and other personal property  
24 previously acquired by the district in connection with  
25 construction projects for which the district awarded contracts in  
26 2005.

27 (c) The Heritage Ranch Community Services District may  
28 acquire, construct, improve, maintain, and operate petroleum  
29 storage tanks and related facilities for its own use, and sell those  
30 petroleum products to the district's property owners, residents,  
31 and visitors. The authority granted by this subdivision shall  
32 expire when a private person or entity is ready, willing, and able  
33 to acquire, construct, improve, maintain, and operate petroleum  
34 storage tanks and related facilities, and sell those petroleum  
35 products to the district and its property owners, residents, and  
36 visitors. At that time, the district shall either (1) diligently  
37 transfer its title, ownership, maintenance, control, and operation  
38 of those petroleum tanks and related facilities at a fair market  
39 value to that private person or entity, or (2) lease the operation of

1 those petroleum tanks and related facilities at a fair market value  
2 to that private person or entity.

3 (d) The Wallace Community Services District may acquire,  
4 own, maintain, control, or operate the underground gas  
5 distribution pipeline system located and to be located within  
6 Wallace Lake Estates for the purpose of allowing a privately  
7 owned provider of liquefied petroleum gas to use the  
8 underground gas distribution system pursuant to a mutual  
9 agreement between the private provider and the district or the  
10 district's predecessor in interest. The district shall require and  
11 receive payment from the private provider for the use of that  
12 system. The authority granted by this subdivision shall expire  
13 when the Pacific Gas and Electric Company is ready, willing,  
14 and able to provide natural gas service to the residents of Wallace  
15 Lake Estates. At that time, the district shall diligently transfer its  
16 title, ownership, maintenance, control, and operation of the  
17 system to the Pacific Gas and Electric Company.

18 (e) The Cameron Park Community Services District, the El  
19 Dorado Hills Community Services District, the Golden Hills  
20 Community Services District, the Mountain House Community  
21 Services District, the Rancho Murieta Community Services  
22 District, the Salton Community Services District, the Stallion  
23 Springs Community Services District, and the Tenaja Meadows  
24 Community Services District, which enforced covenants,  
25 conditions, and restrictions prior to January 1, 2006, pursuant to  
26 the former Section 61601.7 and former Section 61601.10, may  
27 continue to exercise the powers set forth in the former Section  
28 61601.7 and the former Section 61601.10.

29 (f) The Bear Valley Community Services District, the Bell  
30 Canyon Community Services District, the Cameron Estates  
31 Community Services District, the Lake Sherwood Community  
32 Services District, the Saddle Creek Community Services District,  
33 and the Wallace Community Services District may, for roads  
34 owned by the district and that are not formally dedicated to or  
35 kept open for use by the public for the purpose of vehicular  
36 travel, by ordinance, limit access to and the use of those roads to  
37 the landowners and residents of that district.

38 (g) Notwithstanding any other provision of law, the transfer of  
39 the assets of the Stonehouse Mutual Water Company, including  
40 its lands, easements, rights, and obligations to act as sole agent of

1 the stockholders in exercising the riparian rights of the  
2 stockholders, and rights relating to the ownership, operation, and  
3 maintenance of those facilities serving the customers of the  
4 company, to the Hidden Valley Community Services District is  
5 not a transfer subject to taxes imposed by Part 11 (commencing  
6 with Section 23001) of Division 2 of the Revenue and Taxation  
7 Code.

8 (h) The El Dorado Hills Community Services District and the  
9 Rancho Murieta Community Services District may each acquire,  
10 construct, improve, maintain, and operate television receiving,  
11 translating, or distribution facilities, provide television and  
12 television-related services to the district and its residents, or  
13 authorize the construction and operation of a cable television  
14 system to serve the district and its residents by franchise or  
15 license. In authorizing the construction and operation of a cable  
16 television system by franchise or license, the district shall have  
17 the same powers as a city or a county under Section 53066.

18 (i) The Mountain House Community Services District may  
19 provide facilities for television and telecommunications systems,  
20 including the installation of wires, cables, conduits, fiber optic  
21 lines, terminal panels, service space, and appurtenances required  
22 to provide television, telecommunication, and data transfer  
23 services to the district and its residents, and provide facilities for  
24 a cable television system, including the installation of wires,  
25 cables, conduits, and appurtenances to service the district and its  
26 residents by franchise or license, except that the district may not  
27 provide or install any facilities pursuant to this subdivision unless  
28 one or more cable franchises or licenses have been awarded  
29 under Section 53066 and the franchised or licensed cable  
30 television and telecommunications services providers are  
31 permitted equal access to the utility trenches, conduits, service  
32 spaces, easements, utility poles, and rights-of-way in the district  
33 necessary to construct their facilities concurrently with the  
34 construction of the district's facilities. The district shall not have  
35 the authority to operate television, cable, or telecommunications  
36 systems. The district shall have the same powers as a city or  
37 county under Section 53066 in granting a franchise or license for  
38 the operation of a cable television system.

SEC. 3. Section 1 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945) is amended to read:

Section 1. This act shall be known and may be cited as the San Luis Obispo County Flood Control and Integrated Water Management District Act.

SEC. 4. Section 2 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), as amended by Chapter 2045 of the Statutes of 1959, is amended to read:

Sec. 2. (a) The San Luis Obispo County Flood Control and Integrated Water Management District is hereby created. The district shall consist of all the territory of the County of San Luis Obispo lying within the exterior boundaries of the county except the islands of the county in the Pacific Ocean.

(b) As used in this act, “district” means the San Luis Obispo County Flood Control and Integrated Water Management District.

SEC. 5. Section 5 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945), as amended by Chapter 584 of the Statutes of 1975, is amended to read:

Sec. 5. The district is hereby declared to be a body corporate and politic and as such shall have, in addition to the other powers vested in it by this act, the powers to do all of the following:

(a) Have perpetual succession.

(b) Sue and be sued in the name of the district in all actions and proceedings in all courts and tribunals of competent jurisdiction.

(c) Adopt a seal and alter it at the district’s pleasure.

(d) (1) Acquire by grant, purchase, lease, gift, devise, contract, construction, or otherwise, and hold, use, enjoy, sell, let, and dispose of real and personal property of every kind, including lands, structures, buildings, rights-of-way, easements, and privileges,.

(2) Construct, maintain, alter, and operate any and all works or improvements, within or outside the district, necessary or proper to carry out any of the objects or purposes of this act and convenient to the full exercise of its powers.

1 (3) Complete, extend, add to, alter, remove, repair, or  
2 otherwise improve any works, or improvements, or property  
3 acquired by the district in accordance with this act.

4 (e) (1) Store water in surface or underground reservoirs within  
5 or outside the district for the common benefit of the district or of  
6 any zone or zones affected.

7 (2) Conserve and reclaim water for present and future use  
8 within the district.

9 (3) Appropriate and acquire water and water rights, and import  
10 water into the district and conserve, within or outside the district,  
11 water for any purpose useful to the district.

12 (4) Commence, maintain, intervene in, and compromise, in the  
13 name of the district, or otherwise, and assume the costs and  
14 expenses of any action or proceeding involving or affecting the  
15 ownership or use of waters or water rights within or outside the  
16 district, used or useful for any purpose of the district or of  
17 common benefit to any land situated in the district, or involving  
18 the wasteful use of water in the district.

19 (5) Commence, maintain, intervene in, defend, and  
20 compromise, and assume the cost and expenses of, any and all  
21 actions and proceedings now or hereafter begun to do either of  
22 the following:

23 (A) Prevent interference with or diminution of, or declare  
24 rights in the natural flow of, any stream or surface or  
25 subterranean supply of waters used or useful for any purpose of  
26 the district or of common benefit to the lands within the district  
27 or to its inhabitants.

28 (B) Prevent unlawful exportation of water from the district or  
29 prevent contamination, pollution, or otherwise rendering unfit for  
30 beneficial use the surface or subsurface water used in the district.

31 (6) Commence, maintain, and defend actions and proceedings  
32 to prevent any interference with those waters that may endanger  
33 or damage the inhabitants or land of, or use of water in, or  
34 flowing into, the district. The district shall not have power to  
35 intervene or take part in, or to pay the costs or expenses of,  
36 actions or controversies between the owners of lands or water  
37 rights that do not affect the interests of the district.

38 (f) (1) Control the floodwater and stormwater of the district  
39 and the floodwater and stormwater of streams that have their

1 sources outside the district, but which streams and the floodwater  
2 thereof, flow into the district.

3 (2) Conserve those waters for beneficial and useful purposes  
4 of the district by spreading, storing, retaining, and causing to  
5 percolate into the soil within or outside the district, or save or  
6 conserve in any manner all or any of the waters and protect from  
7 damage from the floodwater or stormwater, the watercourses,  
8 watersheds, public highways, life and property in the district, and  
9 the watercourses outside the district of streams flowing into the  
10 district.

11 (g) (1) Cooperate and act in conjunction with the state, or any  
12 of its engineers, officers, boards, commissions, departments or  
13 agencies, or with the federal government, or any of its engineers,  
14 officers, boards, commissions, departments or agencies, or with  
15 any public or private corporation, or with the County of San Luis  
16 Obispo, in the construction of any work for the controlling of  
17 floodwater or stormwater of, or flowing into, the district, or for  
18 the protection of life or property in the district, or for the purpose  
19 of conserving the waters for beneficial use within the district, or  
20 in any other works, acts, or purposes provided for in this act.

21 (2) Adopt and carry out any definite plan or system of work  
22 for any purpose described in subdivision (a).

23 (h) Carry on technical and other necessary investigations,  
24 make measurements, collect data, make analyses, and undertake  
25 studies and inspections pertaining to water supply, water rights,  
26 control of floodwater and stormwater, and use of water within  
27 and outside the district relating to watercourses of streams  
28 flowing in or into the district. For these purposes, the district  
29 shall have the right of access through its authorized  
30 representatives to all properties within the district and elsewhere  
31 relating to watercourses and streams flowing in or into the  
32 district. The district, through its authorized representatives, may  
33 enter upon those lands and make examinations, surveys, and  
34 maps of those lands.

35 (i) (1) Enter upon any land, to make surveys and locate the  
36 necessary works of improvement and the lines for channels,  
37 conduits, canals, pipelines, roadways and other rights-of-way.

38 (2) Acquire by purchase, lease, contract, gift, devise, or other  
39 legal means all lands and water and water rights and other  
40 property necessary or convenient for the construction, use,

1 supply, maintenance, repair and improvement of these works,  
2 including works constructed and being constructed by private  
3 owners, lands for reservoirs for storage of necessary water, and  
4 all necessary appurtenances, and also where necessary or  
5 convenient for these purposes and uses, acquire and hold in the  
6 name of the state, the capital stock of any mutual water company  
7 or corporation, domestic or foreign, owning water or water  
8 rights, canals, waterworks, franchises, concessions, or rights,  
9 when the ownership of that stock is necessary to secure a water  
10 supply required by the district or any part thereof. When holding  
11 that stock, the district shall be entitled to all the rights, powers  
12 and privileges, and shall be subject to all the obligations and  
13 liabilities conferred or imposed by law upon other holders of that  
14 stock in the same company.

15 (3) Enter into and do any acts necessary or proper for the  
16 performance of any agreement with the United States, or any  
17 state, county, district of any kind, public or private corporation,  
18 association, firm, or individual, or any combination of them, for  
19 the joint acquisition, construction, leasing, ownership,  
20 disposition, use, management, maintenance, repair or operation  
21 of any rights, works or other property of a kind which might be  
22 lawfully acquired or owned by the district.

23 (4) (A) Acquire the right to store water in any reservoirs, or to  
24 carry water through any canal, ditch, or conduit not owned or  
25 controlled by the district.

26 (B) Grant to any owner or lessee the right to the use of any  
27 water or right to store that water in any reservoir of the district,  
28 or to carry that water through any tunnels, canal, ditch, or conduit  
29 of the district.

30 (5) Enter into and do any acts necessary or proper for the  
31 performance of any agreement with any district of any kind,  
32 public or private corporation, association, firm, or individual, or  
33 any combination of them for the transfer or delivery to any  
34 district, corporation, association, firm, or individual of any water  
35 right or water pumped, stored, appropriated or otherwise  
36 acquired or secured, for the use of the district, or for the purpose  
37 of exchanging the same for other water, water right, or water  
38 supply in exchange for water, water right, or water supply to be  
39 delivered to the district by the other party to the agreement.

(6) Cooperate with, and act in conjunction with, the state, or any of its engineers, officers, boards, commissions, departments or agencies, or with the federal government, or any of its engineers, officers, boards, commissions, departments or agencies, or with any public or private corporation, in the construction of any work for the controlling floodwater or stormwater of streams in or running into the district, or for the protection of life or property therein, or for the purpose of conserving those waters for beneficial use within the district, or in any other works, acts, or purposes provided for in this act, and adopt and carry out any definite plan or system of work for that purpose.

(j) Incur indebtedness and issue bonds in accordance with this act.

(k) Cause taxes or assessments to be levied and collected for the purpose of paying any obligation of the district, and carry out any of the purposes of this act in accordance with this act.

(l) Make contracts, employ labor, and do all acts necessary for the full exercise of all powers vested in the district or any of the officers thereof, by this act.

(m) Implement any of the following:

(1) Integrated regional water management programs and projects, including groundwater banking of water supplies made available from the State Water Project.

(2) Water reliability programs benefitting State Water Project supplies for users in the Counties of San Luis Obispo and Santa Barbara.

(3) Other projects and programs that promote water supply, water quality, ecosystem restoration, groundwater management, or flood control objectives of the district's integrated regional water management plan.

SEC. 6. Section 7 of the San Luis Obispo County Flood Control and Water Conservation District Act (Chapter 1294 of the Statutes of 1945) is amended to read:

Sec. 7. (a) The board of supervisors of San Luis Obispo County shall be and is hereby designated as, and empowered to act as, ex officio the board of supervisors of the district.

(b) As used elsewhere in this act, the terms "board" and "board of supervisors" mean the board of supervisors of the district.



1 (c) Except as otherwise provided in this act, all ordinances,  
2 resolutions, and other legislative acts for the district shall be  
3 adopted by the board of supervisors, and certified to, recorded,  
4 and published, in the same manner, as are ordinances,  
5 resolutions, or other legislative acts for the County of San Luis  
6 Obispo.

7 SEC. 7. Section 8 of the San Luis Obispo County Flood  
8 Control and Water Conservation District Act (Chapter 1294 of  
9 the Statutes of 1945) is amended to read:

10 Sec. 8. (a) The district attorney, county surveyor, county  
11 assessor, county tax collector, county auditor, and county  
12 treasurer of the County of San Luis Obispo, and their successors  
13 in office, and all their assistants, deputies, clerks, employees, and  
14 all other officers of San Luis Obispo County, their assistants,  
15 deputies, clerks and employees, shall be ex officio officers,  
16 assistants, deputies, clerks, and employees respectively of the  
17 district, and shall respectively perform, unless otherwise  
18 provided by the board, the same various duties for the district as  
19 for San Luis Obispo County, in order to carry out this act.

20 (b) Notwithstanding subdivision (a), if the county surveyor is  
21 a registered civil engineer and is employed by the board of  
22 supervisors to supervise the engineering work of the district, the  
23 board may provide for compensation for his or her services under  
24 this act payable from the funds of the district, in addition to his or  
25 her salary as county surveyor of San Luis Obispo County.

26 SEC. 8. Section 13 of the San Luis Obispo County Flood  
27 Control and Water Conservation District Act (Chapter 1294 of  
28 the Statutes of 1945), as amended by Chapter 2045 of the  
29 Statutes of 1959, is amended to read:

30 Sec. 13. The board shall have power, in any year to do any of  
31 the following:

32 (a) Levy ad valorem taxes or assessments upon all property in  
33 the district, to the extent authorized by law, for the purposes of  
34 the district.

35 (b) Levy taxes or assessments upon all property in each or any  
36 of the zones and participating zones to pay the cost and expenses  
37 of carrying out, constructing, maintaining, operating, repairing,  
38 or otherwise improving any or all works or improvements  
39 established or to be established within or on behalf of the

1 respective zones, according to the benefits derived or to be  
2 derived by the respective zones.

3 (c) (1) Levy taxes or assessments upon all taxable property in  
4 each or any of the zones, according to the special benefits  
5 derived or to be derived therein to pay the cost and expenses of  
6 carrying out any of the objects or purposes of this act or special  
7 benefit to the zones, including the constructing, maintaining,  
8 operating, extending, repairing, or otherwise improving any or all  
9 works of improvement established or to be established within or  
10 on behalf of the respective zones.

11 (2) In the event of project cooperation with any of the  
12 governmental bodies as authorized in subdivision (g) of Section  
13 5 of this act, and the making of a contract with any governmental  
14 body for the purposes set forth in that subdivision, by the terms  
15 of which work is agreed to be performed by that governmental  
16 body in any specified zone or participating zones, for the  
17 particular benefit thereof, and by contract it is agreed that the  
18 district is to pay to the governmental body, a sum of money in  
19 consideration or subvention for the performance of the work by  
20 the governmental body, the board may levy and collect a special  
21 tax or assessment upon the property in the zone or participating  
22 zones, to raise funds to enable the district to make that payment,  
23 in addition to other taxes or assessments authorized by this act.

24 (d) The taxes or assessments shall be levied and collected  
25 together with, and not separately from, taxes for county purposes,  
26 and the revenues derived from the district taxes or assessments  
27 shall be paid into the county treasury to the credit of the district,  
28 or the respective zones thereof, and the board shall have the  
29 power to control and order the expenditure thereof for those  
30 purposes. No revenues, or portions thereof, derived in any of the  
31 several zones from the taxes or assessments levied under  
32 subdivision (b) shall be expended for constructing, maintaining,  
33 operating, extending, repairing, or otherwise improving any  
34 works or improvements located in any other zones, except in the  
35 case of joint projects, or for projects authorized or established  
36 outside the zone, or zones, but for the benefit thereof. In cases of  
37 projects joint to two or more zones, the zones shall become, and  
38 shall be referred to as, participating zones.

1 SEC. 9. Section 28 of the San Luis Obispo County Flood  
2 Control and Water Conservation District Act (Chapter 1294 of  
3 the Statutes of 1945) is amended to read:

4 Sec. 28. There is hereby granted to the district the right of  
5 way for the location, construction, and maintenance of flood  
6 control channels, ditches, waterways, conduits, canals, storm  
7 dykes, embankments, and protective works in, over, and across  
8 public lands of the state, not otherwise disposed of or in use, not  
9 in any case exceeding in length or width that which is necessary  
10 for the construction of those works and adjuncts or for the  
11 protection thereof. Whenever any selection of a right of way for  
12 those works or adjuncts thereto is made by the district, the board  
13 shall transmit to the State Lands Commission, the Controller, and  
14 the recorder of the county in which the selected lands are  
15 situated, a plat of the lands so selected, giving the extent thereof  
16 and the uses for which the same is claimed or desired, duly  
17 verified to be correct. If the State Lands Commission approves  
18 the selections made, it shall endorse its approval upon the plat  
19 and issue to the district a permit to use such right of way and  
20 lands.

21 SEC. 10. Section 36.8 of the San Luis Obispo County Flood  
22 Control and Water Conservation District Act (Chapter 1294 of  
23 the Statutes of 1945), as amended by Chapter 2045 of the  
24 Statutes of 1959, is amended to read:

25 Sec. 36.8. In the application of the laws referred to in  
26 Sections 36.2, 36.3, 36.4, 36.5, 36.6, and 36.7, the terms used in  
27 those laws shall have the following meanings:

- 28 (a) "City" means the district.  
29 (b) "City council" or "legislative body" means the board of the  
30 district.  
31 (c) "Mayor" means the chairperson of the board of the district.  
32 (d) "Clerk" means the secretary of the board of the district.  
33 (e) "Council chambers" means the place designated by the  
34 board of the district for holding its regular meetings.  
35 (f) "Treasurer" means the treasurer of the district.  
36 (g) "Auditor" means the auditor of the district.  
37 (h) "Tax collector" means county tax collector.  
38 (i) "Superintendent of streets" or "street superintendent" and  
39 "city engineer" means the engineer of the district.

1 (j) “Right of way” means any parcel of land to which a right of  
2 way has been granted to the district.

3 (k) All references to municipal officers and matters means the  
4 corresponding officers of the district.

5 SEC. 11. Section 36.16 of the San Luis Obispo County Flood  
6 Control and Water Conservation District Act (Chapter 1294 of  
7 the Statutes of 1945), as amended by Chapter 2045 of the  
8 Statutes of 1959, is amended to read:

9 Sec. 36.16. Division 4 (commencing with Section 2800) of  
10 the Streets and Highways Code shall not apply to the district.

11 ~~SEC. 12. No reimbursement is required by this act pursuant~~  
12 ~~to Section 6 of Article XIII B of the California Constitution~~  
13 ~~because the only costs that may be incurred by a local agency or~~  
14 ~~school district are the result of a program for which legislative~~  
15 ~~authority was requested by that local agency or school district,~~  
16 ~~within the meaning of Section 17556 of the Government Code~~  
17 ~~and Section 6 of Article XIII B of the California Constitution.~~

18 ~~SEC. 13.~~

19 *SEC. 12.* Due to the unique circumstances concerning the  
20 wastewater treatment needs in the Los Osos Community Services  
21 District, as set forth in Section 1 of this act, it is necessary that,  
22 and the Legislature finds and declares that, a general statute  
23 cannot be made applicable within the meaning of Section 16 of  
24 Article IV of the California Constitution.

25 ~~SEC. 14. This act is an urgency statute necessary for the~~  
26 ~~immediate preservation of the public peace, health, or safety~~  
27 ~~within the meaning of Article IV of the Constitution and shall go~~  
28 ~~into immediate effect. The facts constituting the necessity are:~~

29 ~~There is an urgent need to protect the public health and safety~~  
30 ~~by eliminating the long-standing violations of state and federal~~  
31 ~~clean water laws in the unincorporated community of Los Osos~~  
32 ~~in the County of San Luis Obispo, and the most feasible~~  
33 ~~alternative is best accomplished by a temporary realignment of~~  
34 ~~certain wastewater collection and treatment powers between the~~  
35 ~~Los Osos Community Services District and the County of San~~  
36 ~~Luis Obispo.~~